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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,411	01/22/2001	Taku Ishizawa	Q62798	9456
7590	02/17/2006		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,411	ISHIZAWA ET AL.	
	Examiner	Art Unit	
	Anh T.N. Vo	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 17-23, 43, 45, 49-82, 86-90, 95-102 and 108-133 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-11, 43, 45, 49-82, 86-90, 95-102 and 108-133 is/are allowed.
- 6) Claim(s) 17 and 19-21 is/are rejected.
- 7) Claim(s) 18, 22 and 23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

FINAL REJECTION

The rejection to claims 17, 19-23 and 43 are rejected under 35 USC 102 (a) as being anticipated by Kobayashi et al. (JP Pat. 11-005311A) have been withdrawn since the claims were amended.

The prior art references newly found necessitated a new ground of rejection is below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 19-21 are rejected under 35 USC 103 (a) as being unpatentable over Barinaga (US Pat. 6,030,070) in view of Kobayashi et al. (JP Pat. 11-005311A).

Barinaga disclose in Figure 1 an apparatus for delivering pressurized ink to a printhead comprising:

- an ink pack (13) of flexible material storing ink therein (column 3, lines 16);
- an ink outlet port (28) communicating with an interior of the ink pack (13);
- a cartridge case (10) formed for housing the ink pack (13);

- a pressurized air inlet ports (55), through which, when the ink cartridge is mounted to the recording apparatus, pressurized air is introduced into the cartridge case (10) (column 3, lines 24-25);
- first and second cases (10) which constitute the cartridge case, said second case (19) having a circumferential portion; and
- wherein the ink outlet port (28) and the pressurized air inlet port (55) are arranged on the same front wall (19) of the cartridge case (10).

However, Barinaga does not disclose a flange section formed along an edge of an opening of the first case, wherein said circumferential portion of said second case covers said flange section; at least one lug-shaped member which is formed on the second case and engages with the flange section, thereby coupling the first and second cases together, wherein said lug-shaped member protrudes inward from an inner surface of said circumferential portion; wherein a tapered surface and an engagement step section are formed on the lug-shaped member such that, when the second case is attached to the first case, the flange section is relatively guided by and along the tapered surface to engage with the engagement step section; wherein the second case is formed from a planar section acting as a cover and a fold section formed integral with and perpendicular to the planar section, and the lug-shaped member is formed on an interior surface of the fold section; and wherein a plurality of independent lug-shaped members are intermittently formed on the second case.

Nevertheless, Kobayashi et al. disclose in Figures 1-2 an ink cartridge comprising:

- first and second cases (112, 114) which constitute the cartridge case (110), said second case (114) having a circumferential portion;
- a flange section (112A) formed along an edge of an opening of the first case (112), wherein said circumferential portion of said second case (114) covers said flange section (112A);
- at least one lug-shaped member (114A) which is formed on the second case (114) and engages with the flange section (112A), thereby coupling the first and second cases (112, 114) together, wherein said lug-shaped member (114A) protrudes inward from an inner surface of said circumferential portion;
- wherein a tapered surface (114A) and an engagement step section are formed on the lug-shaped member such that, when the second case (114) is attached to the first case (112), the flange section is relatively guided by and along the tapered surface to engage with the engagement step section;
- wherein the second case (114) is formed from a planar section acting as a cover and a fold section formed integral with and perpendicular to the planar section, and the lug-shaped member is formed on an interior surface of the fold section; and
- wherein a plurality of independent lug-shaped members (114A) are intermittently formed on the second case (114).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Kobayashi et al. in the Barinaga ink container for the purpose of engaging between two elements to create a cartridge case for an ink bag.

Response to Applicant's Arguments

The applicant's arguments with respect to the prior art rejection have been carefully considered but not persuasive and have been traversed in view of the new grounds as above discussed.

Allowable Subject Matter

Claims 1-11, 43, 45, 49-82, 86-90, 95-102 and 108-133 are allowed.

Claim 18 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. This claim would be allowable because none of the prior art references of record discloses an ink cartridge is mounted to the recording apparatus comprising an ink pack that is housed in a first case, the edge of the opening of the case is sealed by a film member, thereby realizing a sealed state, and wherein a second case functions as a cover for preventing expansion of the film member when the film member receives the pressurized air by a pump in the combination as claimed.

Claims 22-23 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims would be allowable because none of the prior art references of record discloses an ink cartridge is mounted to the recording apparatus comprising slit holes are formed through a planar section of a second case to correspond in location to a plurality of independent lug-shaped members and to be elongated along the fold section in the combination as claimed.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo, whose telephone number is (571) 272-2262.

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The fax number of this Group 2800 is (703) 872-9306.



AMH T.N. VO
PRIMARY EXAMINER

February 14, 2006